

REMARKS

Claims 26-44 are pending in the present application. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Claims 26, 27, 35-38 and 44 were rejected under 35 U.S.C. §102(b) as being anticipated by Cutillo (U.S. Patent Application Publication No. 2006/0228113). Claims 28 and 29 were rejected under 35 U.S.C. §103 as being unpatentable over Cutillo in view of Czerwec (U.S. Patent No. 5,903,372). Claims 30-31 33, 39, and 40-43 were rejected under 35 U.S.C. §103 as being unpatentable over Cutillo in view of DeLangis (U.S. Patent Application Publication No. 2005/0078690). Claims 32 and 34 were rejected under 35 U.S.C. §103 as being unpatentable over Cutillo in view of DeLangis in view of Czerwec. These rejections are respectfully traversed for the following reasons.

1. The Examiner contends that Cutillo uses VDSL technology as a minimal default technology (DABT). Applicant respectfully submits that Cutillo does not say anywhere in the disclosure about selecting VDSL as a minimal default advanced broadband technology DABT of the distribution unit. To the contrary, Cutillo's Fig. 1 shows that there is VDSL, but it is not a "minimal" default technology among those provided by the distribution unit (ONU 22) – there is also ADSL (modem 28). See also comments in section 2. below. Applicants' independent claims state that DABT is a minimal default communication service of the distribution unit.

2. The Examiner contends that in Fig. 1 of Cutillo, the customers (24) are connected to the distribution unit 22 by VDSL (DABT) or a "more advanced" service line ADSL. Applicant respectfully disagrees. The ADSL technology is LESS ADVANCED service than the VDSL technology, and this fact is known to those of ordinary skill in the art. In fact, the VDSL technology was even developed later than the ADSL one.

In view of the above, Fig. 1 of Cutillo just illustrates a case similar to the solutions known in the prior art and described in the background and in Fig. 1 of the present patent application. See, for example, Fig. 1 of the present application showing a street cabinet 10 where different interface cards 12, 14, 16, 18, 20, 22 supporting various different technologies are installed according to requirements of non-uniform subscribers.

3. The Examiner says that Cutillo enables each of the plurality of subscribers to receive services in accordance with their respective agreements with the service provider, and cites par. 29 and 34 of Cutillo. Applicant respectfully disagrees.

While it is obvious that each of Cutillo's subscriber's is currently provided with the services according to his agreement (such as video, telephone, internet), via VDSL modem/card or via ADSL modem/card, it is also understood that the subscriber connected to the ADSL card in Cutillo's Fig. 1 can never be provided with more advanced VDSL services via the same ADSL card.

In contrast, Applicant's solution allows providing the DABT communication services to each subscriber, even to a subscriber which presently has a "low band" agreement with the service provider. The fact that a subscriber

presently receives the services according to his agreement is not enough, however. Applicant provides the inventive option to the subscriber of receiving the default advanced service DABT without changing the card. This concept of the invention is neither described nor suggested by Cutillo.

Since Cutillo does not teach each of the claimed limitation set forth in the independent claims 26, 30, 35, and 44, Cutillo does not anticipate the claims. For at least these reasons, Applicant respectfully submits that claims 26, 30, 35, and 44 are patentable over the prior art of record. None of the other cited art remedies the deficiencies noted above with respect to Cutillo. Accordingly, claims 27-29, 31-32, 36-41 and 43, as well as claims 33 and 42, are believed to be patentable over the prior art of record in and of themselves and for the reasons discussed above with respect to claims 26, 30, 35, and 44.

In view of the above amendment and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of record. Applicant submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

If the Examiner has any questions, he is invited to contact the undersigned at 202-628-5197.

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Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /Ronni S. Jillions/
Ronni S. Jillions
Registration No. 31,979

RSJ:me
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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